

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HARDING LEE PAYNE,)	
)	
Petitioner,)	
)	
v.)	Case No. 1:18-cv-239-SPB-RAL
)	
WARDEN FCI McKEAN,)	
)	
Respondent.)	

MEMORANDUM ORDER

The within petition for a writ of habeas corpus was received by the Clerk of Court on August 24, 2018 and referred to United States Magistrate Judge Richard A. Lanzillo for report and recommendation (“R&R”) in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and the Local Rules for Magistrate Judges. ECF No. 1. The petition was filed of record on September 24, 2018, ECF No. 4, after Petitioner paid the filing fee.

Respondent filed a response to the petition on March 11, 2019. ECF No. 14. On March 28, 2019, Petitioner filed his reply. ECF No. 15.

On April 9, 2020, Magistrate Judge Lanzillo issued an R&R recommending that the within petition be dismissed for lack of subject matter jurisdiction. ECF No. 16. Objections to the R&R were due on or before April 27, 2020. *Id.* To date, no objections have been filed.

Accordingly, after *de novo* review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

NOW, this 30th day of April, 2020, IT IS ORDERED that the within petition for a writ of habeas corpus shall be, and the same hereby is, DISMISSED for lack of subject matter jurisdiction.

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Lanzillo, issued on April 9, 2020, ECF No. [16], shall be, and hereby is, adopted as the Opinion of this Court.

As there are no further matters pending before the Court relative to the instant petition, the Clerk is directed to mark this case "CLOSED."


SUSAN PARADISE BAXTER
United States District Judge

cm: Harding Lee Payne
95116-080
McKean Federal Correctional Institution
Inmate Mail/Parcels
P.O. Box 8000
Bradford, PA 1670
(via U.S. Mail)

Adam Fischer, Esq. (via CM/ECF)

The Honorable Richard A. Lanzillo (via CM/ECF)